UNITED STATES PATENT AND TRADEMARK OFFICE

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10/598,556	09/05/2006	Thomas Zeng	134188WOUS (WJT002-0107)	7224

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EXAMINER
DUBASKY, GIGI L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)	
Office Action Summary	10/598,556	ZENG ET AL.	
	Examiner	Art Unit	
	GIGI L. DUBASKY	2421	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 February 2009</u>.
2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-24</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Claims 1-24 are pending.

1.   Applicant's arguments filed on 02/17/2009 have been fully considered but they
are not persuasive.

In response to Applicants' argument on page 8, regarding claim 1, that
Deshpande does not teach any kind of time parameter regarding when a message
should be satisfied, examiner respectfully disagrees.

Deshpande teaches the client 102 sends an RTSP PLAY request to the server
104 with the Normal Play Time (npt) = St1 - Et1 for the video segment S1 to indicate
starting the playback of S1 in play list and while the S1 is playback, the RTSP PLAY
request is sent to the server with the npt = St2 - Et2 for the video segment S2 retrieved
and buffered. After the S1 finishes playback, the RTSP PLAY request is sent to server
with the npt = (St2+Ts2) - Et2, (Ts2 is the time stamp of the last buffered frame for video
segment S2) to indicate starting the playback of S2, and so on… (paragraph [0105]-
[0107]). Or in parallel with the S1 is playback, the (N-1) RTSP PLAY requests are sent
with the npt = St1 – Eti (i = 2… N) for the video segments Si retrieved and buffered, and
at each segment scheduled playback time, the RTSP PLAY request is sent with the npt
= (Sti + Tsi) - Eti (paragraph [0108]). In other word, Deshpande teaches the client 102
sends a request (a message) to the server 104 for playing each video segment in the

play list with the corresponding npt time value (time parameter) to indicate when to

playback each video segment or when to switch to the next video segment (when to

satisfy the request/message of playback for each video segment). Therefore, it is clear

that Deshpande does teach the time parameter which indicates when the message is

satisfied.

In response to Applicants' argument on page 9, regarding claim 8, that a real

time request refers to how (not when) media is to be played, examiner respectfully

disagrees. As discussed above, the normal play time (npt) parameter in the RTSP

PLAY request which Deshpande uses has the same function and purpose as the

applicants' "time parameter" used to identify when a request/message is to be satisfied.

In the RTSP standard (1998), which can be found http://www.faqs.org/rfcs/rfc2326.html,

the normal play time can be set to NOW value for live feed request (section 3.6).

Moreover, Deshpande also teaches the data communication between the client 102 and

the servers 104 passes through one or more network nodes (paragraph [0046] lines 1-

4). Therefore, the request to play in real-time from the clients with the npt set to NOW is

interpreted as when the request is satisfied immediately by the server (or through

network nodes).

For all the reasons discussed above, the presented amendments are still

anticipated by the Deshpande reference.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1-2, 6-10, 14-18 and 23-24 are rejected under 35 U.S.C. 102(e) as being

anticipated by Deshpande (US 2005/0071881).

Regarding claim 1, Deshpande discloses a method for retrieving digital

multimedia content from a network node, comprising:

generating a message to said network node by a client application executing on a digital

multimedia device (paragraph [0021] and [0031] for creating a playlist of video

segments at the client by generating display instructions (interpreted as "generating a

message") and adding the display instructions to the playlist; and paragraph [0104]-

[0108] for generating a RTSP PLAY request during playback of video playlist 114), said

message containing at least one multidimensional pointer to a media clip in a depository

of digital multimedia content associated with said network node (paragraph [0025], lines

6-13, paragraph [0053], lines 11-14 and paragraph [0074]. Deshpande teaches a

"playlist", which includes information about a number of individual media files

(paragraph [0004], lines 1-5), having equal functional manner as a multidimensional

pointer to a media clip in a depository of digital multimedia content, because each

playlist has segments from different videos which are stored on different servers

(paragraph [0049], lines 1-9)), a relative time offset within said media clip (paragraph

[0075] lines 8-10), and a timing parameter operable to indicate when said message is to

be satisfied by said network node (paragraph [0105]-[0108] for the client 102 sends a

request (a message) to the server 104 for playing each video segment in the play list

with the corresponding npt time value (time parameter) to indicate when to playback

each video segment or when to switch to the next video segment (when to satisfy the

request/message of playback for each video segment); and

transferring digital multimedia content to said digital multimedia device by said network

node from a particular content source identified by said multidimensional pointer (see

Figure 1; paragraph [0046], lines 1-4, step 1310 in Figure 13), said transferring

commencing at a time indicated responsive to said timing parameter (paragraph [0102],

paragraph [0104], lines 4-8, paragraph [0105]-[0108]).

        Regarding claim 2, Deshpande discloses the method as discussed in the

rejection of claim 1. Deshpande further discloses the message generated by said client

application comprises a Real-Time Streaming Protocol (RTSP)-compliant

PLAYLIST_PLAY message that includes said multidimensional pointer in a range

header of said message (paragraph [0025], paragraph [0035], paragraph [0048], lines

7-10 and paragraph [0105]-[0108]).

Regarding claim 6, Deshpande discloses the method as discussed in the rejection of claim 1. Deshpande further discloses the digital multimedia device accesses said network node over at least one of a wire line network, a wireless network, or a cable network (paragraph [0046], lines 4-16 and paragraph [0116]).

Regarding claim 7, Deshpande discloses the method as discussed in the rejection of claim 1. Deshpande further discloses digital multimedia device comprises at least one of: digital music players, digital video players, computers or handheld communication devices enabled to accept streaming media (see Figure 14; paragraph [0005], lines 4-9, paragraph [0114]-[0117]).

Regarding claim 8, Deshpande discloses the method as discussed in the rejection of claim 1. Deshpande further discloses the timing parameter is operable to assume a value selected from the group consisting of: NOW, END OF CLIP, END OF PLAYLIST (The claim language "group consisting of" does not require all limitations are met. paragraph [0106]-[0108] for playing back to back video segments in the playlist with the npt value indicated when the next segment is played which means that the next segment is played right at the end frame/clip of the previous segment. This meets the limitation of "END OF CLIP". Moreover, in the RTSP standard (1998), which can be found http://www.faqs.org/rfcs/rfc2326.html, the normal play time can be set to NOW value for live feed request (section 3.6). Therefore, the request to play in real-time from

the clients with the npt set to NOW is interpreted as when the request is satisfied

corresponding to the NOW value of the npt time (time parameter)).

Regarding claim 9, all limitations of claimed system in claim 9 are analyzed

corresponding to the functionalities of claim 1. So claim 9 is rejected on the same

ground as claim 1.

Regarding claim 10, all limitations of claimed system in claim 10 are analyzed

corresponding to the functionalities of claim 2. So claim 10 is rejected on the same

ground as claim 2.

Regarding claim 14, all limitations of claimed system in claim 14 are analyzed

corresponding to the functionalities of claim 6. So claim 14 is rejected on the same

ground as claim 6.

Regarding claim 15, all limitations of claimed system in claim 15 are analyzed

corresponding to the functionalities of claim 7. So claim 15 is rejected on the same

ground as claim 7.

Regarding claim 16, all limitations of claimed system in claim 16 are analyzed

corresponding to the functionalities of claim 8. So claim 16 is rejected on the same

ground as claim 8.

Regarding claim 17, Deshpande discloses a digital multimedia device which all
functionalities are analyzed and rejected corresponding to the discussion in the rejection
of claim 1. Deshpande further discloses a logic for generating a message (paragraph
[0113]-[0114]) and a player engine (element 106 in Figure 1 or element 220 in Figure 2
or elements 1414 and 1416 in Figure 14).

Regarding claim 18, Deshpande discloses the device as discussed in the
rejection of claim 17. The limitations of claim 18 are analyzed and rejected
corresponding to the discussion in the rejection of claim 2.

Regarding claim 23, Deshpande discloses the device as discussed in the
rejection of claim 17. The limitations of claim 23 are analyzed and rejected
corresponding to the discussion in the rejection of claim 6.

Regarding claim 24, Deshpande discloses the device as discussed in the
rejection of claim 17. The limitations of claim 24 are analyzed and rejected
corresponding to the discussion in the rejection of claim 8.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3-5, 11-13 and 19-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Deshpande (US 2005/0071881) in view of Tao et al (US 6441832).

         Regarding claim 3, Deshpande discloses all the limitations of the method as

discussed in the rejection of claim 1. Deshpande further discloses there are several

sources for media data and several servers (see Figure 1; paragraph [0045], lines 3-5

and paragraph [0046], lines 1-4, but not limited to).

         Deshpande does not explicitly disclose the limitation of "depository of digital

multimedia content is organized into a nested hierarchical arrangement having a

plurality of levels that correspond to respective media identifier dimensions of said

multidimensional pointer".

         Tao discloses the limitation of "depository of digital multimedia content is

organized into a nested hierarchical arrangement having a plurality of levels that

correspond to respective media identifier dimensions of said multidimensional pointer"

(abstract, see Figure 10-16, Col 1, lines 44-58, but not limited to).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Deshpande's system with the teaching of Tao, so to provide readily and organized performance of editing and displaying playlists.

Regarding claim 4, Deshpande in view of Tao discloses the method as discussed in the rejection of claim 3. Deshpande (paragraph [0003], lines 4-8, paragraph [0027], lines 5-6, paragraph [0049], lines 10-16, but not limited to) in view of Tao further discloses a first level of said depository of digital multimedia content comprises at least one server-side playlist identified by a uniform resource locator.

Regarding claim 5, Deshpande in view of Tao discloses the method as discussed in the rejection of claim 4. Deshpande in view of Tao (see Figure 12-15; Col 10, lines 54-67 and Col 15, lines 52-56, but not limited to) further discloses at least one server-side playlist includes one or more media clips, each being identified by a corresponding media source identifier and a relative time offset within said media clip.

Regarding claim 11, all limitations of claimed system in claim 11 are analyzed corresponding to the functionalities of claim 3. So claim 11 is rejected on the same ground as claim 3.

Regarding claim 12, all limitations of claimed system in claim 12 are analyzed corresponding to the functionalities of claim 4. So claim 12 is rejected on the same ground as claim 4.

Regarding claim 13, all limitations of claimed system in claim 13 are analyzed corresponding to the functionalities of claim 5. So claim 13 is rejected on the same ground as claim 5.

Regarding claim 19, Deshpande discloses all the limitations of the device as discussed in the rejection of claim 17. Deshpande further discloses there are several sources for media data and several servers (see Figure 1; paragraph [0045], lines 3-5 and paragraph [0046], lines 1-4, but not limited to).

Deshpande does not explicitly disclose the limitation of "the multidimensional pointer includes a plurality of media identifier dimensions that correspond to a plurality of nested hierarchical levels into which said depository of digital multimedia content is organized".

Tao discloses the limitation of "the multidimensional pointer includes a plurality of media identifier dimensions that correspond to a plurality of nested hierarchical levels into which said depository of digital multimedia content is organized" (abstract, see Figure 10-16, Col 1, lines 44-58, but not limited to).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention was made to modify Deshpande's system with the teaching of Tao, so

to provide readily and organized performance of editing and displaying playlists.

Regarding claim 20, Deshpande in view of Tao discloses the device as

discussed in the rejection of claim 19. Deshpande (paragraph [0003], lines 4-8,

paragraph [0027], lines 5-6, paragraph [0049], lines 10-16, but not limited to) in view of

Tao further discloses a first level of said plurality of media identifier dimensions

comprises a uniform resource locator identifying a server-side playlist.

Regarding claim 21, Deshpande in view of Tao discloses the device as

discussed in the rejection of claim 20. Deshpande in view of Tao (see Figure 11-12.

Examiner interpreted Figure 11 as the first level of the plurality of media identifier

dimensions because it includes all the playlist identifiers and Figure 12 as the second

level which includes plurality of clip identifiers) further discloses a second level of said

plurality of media identifier dimensions comprises at least one of a media source

identifier for identifying a particular media clip within said server-side playlist.

Regarding claim 22, Deshpande in view of Tao discloses the device as

discussed in the rejection of claim 21. Deshpande in view of Tao (see Figure 12-15; Col

10, lines 54-67 and Col 15, lines 52-56, but not limited to) further discloses the

multidimensional pointer includes a relative time offset within said particular media clip.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to GIGI L. DUBASKY whose telephone number is

(571)270-5686. The examiner can normally be reached on Monday through Thursday

from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

GD